

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARTIST PUBLISHING GROUP, LLC, et al.,

24-cv-5461 (JSR)

Plaintiffs,

ORDER

-v-

ORLANDO MAGIC, LTD., and DOES 1-10,
inclusive,

Defendants.

JED S. RAKOFF, U.S.D.J.:

On February 14, 2025, both plaintiffs and defendants moved for partial summary judgment in the above-captioned case. See ECF Nos. 44, 45. Two weeks later, on February 28, 2025, both sides submitted opposition briefs. See ECF Nos. 78, 83. The following week, on March 7, 2025, both sides submitted reply briefs. See ECF Nos. 96, 98. One week later, on March 14, 2025, the Court held oral argument on the parties' motions and advised counsel that it would issue a bottom-line order by March 31, 2025.

After carefully reviewing the parties' briefs and considering the parties' arguments raised at oral argument, the Court denies defendant Orlando Magic's motion for summary judgment. The Court grants that part of plaintiffs' motion for summary judgment that asks this Court to dismiss defendant's affirmative defenses of copyright misuse, implied license, the First Amendment, acquiescence, waiver and estoppel, and laches, but otherwise denies plaintiffs' motion for summary judgment. An Opinion explaining the reasons for this ruling

will issue in the coming weeks, well in advance of the first day of trial, which has been firmly fixed on May 19, 2025. The Clerk of Court is respectfully directed to close docket entry numbers 44 and 45.

SO ORDERED.

New York, NY
March 31, 2025



JED S. RAKOFF, U.S.D.J.